DOCUMENT RESUME

ED 196 590 RC 012 404

TITLE	Indian Education: An Overview of State Laws and Policies.
INSTITUTION	Education Commission of the States, Denver, Colo.
SPONS AGENCY	Office of Education (DHEW), Washington, D.C. Office of Indian Education.
REPORT NO	ECS-R-139
PUB DATE	Nov 80
CONTRACT	300-780-123
NOTE	43p.: For related documents, see RC 012 401-403, RC 012 405 and ED 194 290.
AVAILABLE FROM	Publications Dept., Education Commission of the States, Suite 300, 1860 Lincoln St., Denver, CO 80295 ($3.00, $0.30 ea. additional copy).
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*American Indian Education; American Indians; Educational Finance; *Educational Policy; Equal Education; *State Boards of Education; *State Legislation; *State Surveys
IDENTIFIERS	California; Michigan; Minnesota; Montana; New York; South Dakota; Washington; Wisconsin

ABSTRACT

In order to acquaint Indian and non-Indian educators, legislators, and other concerned individuals with the status of Indian education in all 50 states, data has been gathered regarding policy statements that are under consideration or have already been implemented by state boards of education and state legislation, appropriations, and resolutions that have affected Indian education. California, Michigan, Montana, New York, South Dakota, and Washington have created clear guidelines for use by local education agencies (LEA's) to improve and expand educational opportunities for Indian children and employment opportunities for Indian teachers and administrators. In contrast to the limited nature of most state legislation, several states have recently enacted significant Indian education laws. These include far-reaching bills such as California's 1974 Senate Bill No. 2264 to establish Indian Education Centers; Minnesota's 1977 American Indian Language and Culture Education Act; and Wisconsin's 1979 bill to establish an American Indian Language and Culture Education Board. Seventeen States have bureaus of Indian education within the state department of education but 13 states have not passed any Indian education legislation or Indian-related statutes. Recommendations to improve Indian education are directed to state legislators and governors, state board and education agencies, LEA's, colleges and universities, and the federal government. (SB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

INDIAN EDUCATION

An Overview of State Laws and Policies

ED196590

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

S.V. Allen

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

RC012404

EDUCATION COMMISSION OF THE STATES

2

MEMBERS OF THE ECS INDIAN EDUCATION PROJECT TASK FORCE

Chairman
The Honorable Victor Atiyeh
Governor of Oregon
Salem, Oregon

Vice Chairman
William Demmert
(Tlingit/Sioux)
Seattle, Washington

Terrel H. Bell, Commissioner
Utah System of Higher Education
Salt Lake City, Utah

Lionel Bordeaux (Sioux)
President
Sinte Gleska College
Rosebud, South Dakota

The Honorable Thelma Buchholdt
House of Representatives
Juneau, Alaska

Warren R. Clements (Wasco)
Municipal Manager
Confederated Tribes
Warm Springs, Oregon

Leslie Fisher
Superintendent of Public
Instruction
Oklahoma City, Oklahoma

Ottis Hill
Assistant to the Governor
Helena, Montana

Stan Juneau (Blackfeet)
Blackfeet Tribal Business
Council
Browning, Montana

Susan Murphy (Eskimo)
Bethel, Alaska

Ruth Myers (Chippewa)
State Board of Education
Duluth, Minnesota

Joy Peacock (Chippewa)
Director of Education
Leech Lake Reservation
Cass Lake, Minnesota

The Honorable Hollis Roberts
(Choctaw)
House of Representatives
Oklahoma City, Oklahoma

The Honorable Harold Schreier
State Senator
Flandreau, South Dakota

Maurice Twiss (Sioux)
Shannon County Schools
Batesland, South Dakota

The publication of this booklet was supported by the United States Department of Indian Education under Contract Number 300 780 123. The report content does not necessarily reflect the views or policies of the Department.

INDIAN EDUCATION

An Overview of State Laws and Policies

Education Commission of the States
Denver, Colorado
Robert C. Andringa, Executive Director

Report No. 139

Indian Education Project
Lee Antell, Director
George Williams Policy Analyst

November 1980

Additional copies of this report may be obtained from the Publications Department, Education Commission of the States, Suite 300, 1860 Lincoln Street, Denver, Colorado 80295, (303) 830-3820. Please enclose $3 for the first copy ordered. For each additional copy ordered, please add 30¢. This price covers postage and handling. Prepayment required.

The Indian Education Project of the Education Commission of the States (ECS) has two primary goals: (1) to identify and discuss the states' involvement in the education of Indian students; and (2) to suggest ways to coordinate federal, local and tribal activities so that state responsibilities to Indian education may be effectively met.

The five states that participated in the study are Alaska, Minnesota, Montana, Oklahoma and South Dakota. A national advisory task force composed of Indian and non-Indian leaders primarily from these states gathered and synthesized pertinent information about existing practices and programs. Through research and task force input and concurrence, the project staff will prepare and disseminate a series of project reports nationwide.

The task force will suggest program modifications — either through policy changes or the legislative process — that could be of value to the participating states, as well as to other states with Indian populations. In addition the project seeks to determine promising practices that can be shared.

The Education Commission of the States Task Force statements on Indian education stated herein recognize the federal trust responsibility established by the Congress of the United States through treaties made with Indian nations, legislation and court decisions. These precedents emphasize Indian sovereignty, Indian self-determination, and full involvement of the Indian communities at the local, state and national level in the establishment of educational policy for Indian citizens.

The Education Commission of the States Task Force also recognizes that the states have the primary responsibility to educate all Indian children and adults while the federal and tribal responsibility is to meet the unique educational and cultural needs of Indian students and adults.

It is further recognized that a cooperative effort between all groups concerned, regarding policy making and funding, must be implemented to achieve the full intent of this report — improved education for Indian people.

Contents

INTRODUCTION v

POLICY AND POSITION STATEMENTS ON INDIAN EDUCATION 1
- California 1
- Michigan 3
- Montana 4
- New York 5
- South Dakota 6
- Washington 7
- Related State Initiatives 8

INDIAN EDUCATION LEGISLATION 10
- California 10
- Minnesota 12
- Wisconsin 20

STATE-BY-STATE NARRATIVES 22
- Summary 29

LEGISLATIVE CONSIDERATION 31
- Legislation 31
- Recommendations 31

Introduction

With the assistance of a national task force, previous Indian Education project reports have described the "state of Indian education" in the United States. In addition, a number of major recommendations have been made that are designed to improve educational opportunities for American Indian and Alaskan Native children.

This report is concerned with policy statements on Indian education that have been implemented or are under consideration by state boards of education. It is also concerned with a discussion of legislation, appropriations, and resolutions that have affected Indian education. The primary project goal in this report is to acquaint Indian and non-Indian educators, legislators, and others concerned with Indian education with information on the "state of Indian education," and how they can work to improve educational opportunities for Indian children through strong and effective legislative and educational decision making.

Material discussed in this report on policy statements and legislative acts was gathered from a survey made of state legislative bureaus and departments of education. The policy statements and legislative acts described illustrate how different states have developed Indian education legislation and activities, but are not intended to be all inclusive. Each state must do its own needs assessment — in cooperation with Indian tribes — and determine what legislative action or policy statements are required to improve education for Indian children.

Programs for Indian children — and the necessity to supplement and improve present programming, require additional sources of funding from the individual states. Efforts have been made in this report to determine and describe how additional Indian education programs could be funded. With stringent state budgets in effect, it may be difficult to fund or expand Indian education programs. However, it is necessary, moral, and legislatively important that states make a concerted effort to do so for Indian children.

The National Task Force for the Indian Education Project at the Education Commission of the States has been chaired by Governor Victor Atiyeh of the state of Oregon. Task force members have

included Indian and non-Indian members from Alaska, Minnesota, Montana, Oklahoma and South Dakota.

Policy and Position Statements on Indian Education: State Boards and State Departments of Education

In addition to the passage of legislation that mandates programs and materials for Indian education programs, another direct route to the improvement of education for the Indian child is through the adoption of policy and position statements by state boards and departments of education. A number of states have created documents designed to give clear guidelines that can be used by local education agencies to improve and expand educational opportunities for Indian children, and employment opportunities for Indian teachers and school administrators. Some of the major policy and position statements that have been articulated by state departments and boards of education are discussed in this chapter and are offered as guidelines to policy statements on Indian education for states considering similar documents.

California

In 1976, the state board and state department of education performed a needs assessment concerning Indian education. They determined that there were over 48,000 American Indian students in the state of California. They also determined that to provide each Indian child with equal access to educational opportunities that it was necessary to provide them with program expansion and modification that would clearly and fully recognize the cultural uniqueness of American Indian students, and that would precisely address their special educational needs. The California State Board and Department of Education also recognized that to implement programs that would successfully address the needs and concerns of Indian children, that it was also necessary to collect in-depth data, provide coordinated programs and policies relating to educational services designed to meet the educational needs of American Indian children, and to offer clear guidance to local education agencies across

the state of California. The policy statement adopted on June 11, 1976 articulated the following:

a. Called for the establishment of a Native American Education unit in the department of education that would study and identify the cultural and educational disadvantages affecting Indian children in the present existing public school system.

b. Recommended that all Native American educational activities between the department and the Native American community be clearly defined and coordinated.

c. Suggested that the department's Native American Education staff be responsive to a Native American Education Council, and that it meet periodically with this group.

To meet the commitment to equal educational opportunity for all students — particularly Native American students residing in the state — the California State Board of Education and Department of Education stated:

a. Programs were to be developed to meet the special needs of Native American students that would meet their goal of providing access to equal educational opportunity for all students.

b. School plans were to be designed for schools with a minimum of ten or more Native American students.

c. All local education agencies with significant Native American student population — public or private schools — took action to provide equal educational opportunities for Indian students. Only private schools with programs funded by state or federal funds were to be covered by this policy.

d. Positive action was to be taken by a school district to include — but not to be limited to, the preparation and implementation of a suitable plan for action under "C" above, as part of a comprehensive school level and district plan that was required under a consolidated application for categorical funds.

e. Local Indian communities were to be involved in the development of all programs for Indian children. The department of education would provide professional and technical assistance as required or requested by local education agencies.

f. Native American Language programs were to be developed that would allow Indian students to maintain their culture and heritage — both vital to their identity.

g. So that information on Indian education would be readily available to students, parents, community groups, teachers, school administrators, interested persons, Indian research and data collection programs were to be developed within the department of education that would utilize the Native American Education unit.

Indian education centers designed to furnish technical assistance

and strengthen instructional programs, annual evaluation reports on program progress, funding of pilot programs and other mechanisms have been used to implement the California State Board of Education and Department of Education policy statement on Indian education.

Michigan

On Dec. 19, 1973, the Michigan State Board of Education received and accepted a Position Statement/Paper on Indian Education, as submitted by the Coordinator of Indian Education for the state, and as approved by the State Advisory Council on Indian Education. The report indicated a need for better coordinated federal programs, more involvement of Indian parents and communities in local education decision making, better clarification by local education boards and school administrators of the unique and dual citizenship of the American Indian people in the state of Michigan, in-depth clarification of the roles and responsibilities of local school boards and school administrators in Indian education as well as of conflicting views and activities concerned with civil rights legislation, Indian-related federal legislation, treaty ties and obligations that confused local school boards and administration rather than helping them.

Recommendations made and accepted by the Michigan State Board of Education included:

a. It is recommended that the state board of education recognize and encourage school districts to incorporate appropriate American Indian cultural and heritage studies where Native American youth attend public schools; and to encourage those schools who by choice desire inclusion of Indian studies in their curricula.

b. It is recommended that the state board of education ask that the state legislature require teachers instructing Indian children in public and parochial schools to have a minimum number of credits in Indian education.

c. It is further stated that the state board of education will encourage and support workshops on Indian education for school administrators, teachers, and counselors employed where Indian youth attend, and that it will also encourage institutions to give college credit for those who meet attendance requirements.

d. It is requested too, by the state board of education that necessary administrative services at the state level will prevail that will adequately incorporate at the state and local levels — all phases of Title IV and other programs specifically related to Indian education.

e. It is requested that the state board of education support legislation that eliminates college tuition for Indian youth high school graduates coming out of any of the state's public or parochial schools.

f. It is recommended that the state board of education pursue a policy that affirms the philosophy that any demeaning literature about minority people used in public schools may be construed as deliberate discrimination against them.

g. It is requested that the state board of education encourage affirmative action policies at the state and local level that will benefit Indian teachers and school administrators.

h. It is recommended that eligible local education agencies be encouraged to apply for federal entitlements in Indian education.

i. It is recommended that the Council on Postsecondary Education pursue a study of the development and integration of college courses that will emphasize Indian studies and that will be geared to tribal and Indian community needs.

j. It is requested that the state board of education encourage the state superintendent to publish a brochure that will aid local education agencies with the creation of an accurate Indian enrollment count.

k. It is recommended that the legislature fund a State Indian Advisory Council.

A number of recommendations — including funding an Indian Advisory Council and effective affirmative action — have been pursued by the state board of education. The state of Michigan has also passed legislation that supports the funding of scholarships for American Indian students and has created a Commission on Indian Affairs designed to investigate Indian problems, including those in education. On April 13, 1979, moreover, the Michigan State Board of Education approved an "Indian Self-Determination Education Plan" calling for more American Indian personnel in all of the department's divisions funded in full or partially funded by federal funds, and in programs funded by the state that were considered to be important and relevant to advancing the quantity and quality of Indian education. Along with the Michigan Indian Education Advisory Council, the state board of education also recognized the need to establish a central office to coordinate and compile important Indian education data.

Montana

In the legislative session of 1974, the Montana State Board of Public Education and the Board of Higher Education (Board of Regents) were directed to develop a master plan for enriching the background of all public school teachers in American Indian culture. A statewide advisory committee of 45 members made 17 recommendations that were approved by the state board of education on Dec. 15, 1975 and included:

a. Enabling teachers, other certified personnel, and teacher-candidates to become aware of and sensitive to the concerns of Native Americans.

b. Insuring the development of programs in public schools that emphasize Native American contributions and perspectives.

c. Facilitating the further development of courses and programs at the university and college level that present "true, accurate and undistorted information efforts."

d. Insuring the participation and assistance of native American people in Indian education efforts.

e. Encouraging more harmonious relations between Indian and non-Indian people in Montana, through creating a better understanding and culture awareness between the two groups.

f. Addressing the need to recruit and appoint Native Americans at administrative and teaching levels.

g. Encourage the preservation of Native American languages as a basic and functional part of Indian culture.

The state of Montana has approved scholarship assistance for Indian students through a tuition waiver system also indian studies course work on a permissive basis for teachers. Montana has created the office of state coordinator of Indian affairs to resolve Indian problems in many areas including education. Montana has also encouraged public schools to include Indian studies in their curricula and has urged elective officials and others having appointive authority to increase the representation of American Indians on boards and in agencies that have a significant impact upon Indian people. Montana's Office of Public Instruction (OPI) has a division of Indian Education. However, only federal funds are used to support this office.

New York

In July, 1975, the Regents of the University of the State of New York and the State Education Department at Albany approved a statement of policy and proposed action for Native American education. It indicated that New York State had been committed since 1846 to providing educational services for Native Americans residing on the state reservations and tribal lands, but that if Indian people in New York were to retain their traditional culture and life style that education programs had to be designed to meet diverse and special Indian educational needs. In consultation with Indian leaders throughout the state, the following recommendations were articulated:

a. A statewide Native American Education Advisory Committee — including tribal representatives from each of the six Iroquois Nations, and representatives at large from off-reservation urban Indian populations — should be established to advise the commissioner of education on Indian educational policies and practices.

b. New and improved procedures needed to be established that would give Indian people a greater voice in the education of their children.

c. School boards of all contracting districts should be encouraged to develop effective affirmative action plans for Indian people.

d. A plan should be developed that would enable teacher training institutions in New York state to provide courses and other teacher-training experiences relating to the cultures and heritages of Indians, and that would offer preservice and inservice teacher-training programs also for those teaching Indian children.

e. Curriculum should be changed to assure maximum educational opportunities for Indian children — including the development of special and bicultural instructional programs.

Previous to the approval of this policy statement, the New York State Legislature in 1954 had directed the commissioner of education to work with Indian people to assure Indian children access to equal educational opportunities. In 1977, the legislature appropriated funds to pay for Indian students in attendance at teacher-training institutions. The State Board of Regents — state department of education — has worked with various local education agencies to carry out the provisions of the above policy statement, with some success on an individual basis.

South Dakota

In the Fall of 1979 the South Dakota Superintendent of Education began dialogue with the Indian community over a proposed state board of education policy statement on Indian education. Recommendations include but are not limited to:

a. Involvement of Indians on school boards and education committees, as professional and other classified public school employees, and as students.

b. Inclusion of Indian studies and culture in preservice programs for teachers.

c. Encouragement of curriculum materials reflecting a true historical picture of the American Indian.

d. Encouragement and support of teacher education institutions, school districts, Indian tribes, and other agencies and organizations to develop and provide opportunities for Indian people to enter the teaching profession.

e. Technical assistance to local education agencies.

f. Promotion of programs to facilitate the training of Indian school administrators.

g. Support and promotion of inservice education programs that encourage American Indians to serve in paraprofessional roles and to advance into more responsible roles.

h. Support of recruitment policies that will encourage Indian teachers to serve in the schools of South Dakota.

i. Active participation of Indian parents and communities in local school district decision making on educational matters.

Other recommendations included active recruitment by local education agencies of Indians, state funding of Indian education programs, certification endorsement of instructors in Indian students, and nondiscriminatory testing and evaluation as it relates to Indian students.

The Curriculum and Instruction Division of the State of South Dakota has been providing technical assistance to local education agencies, has been working to provide nondiscriminatory testing procedures, and has used a state Indian advisory council to meet as many of the other needs articulated above as are possible. The South Dakota American Indian Policy Statement has not yet been approved, but the various state and local education agencies are moving to meet the educational needs of Indian students in various ways. Limited scholarship assistance, a state commission on Indian Affairs and other mechanisms have also been provided by the state legislature.

Washington

On Oct. 7, 1975 the Washington State Superintendent of Public Instruction, Frank B. Brouillet, articulated the official policy of his office on Indian education that was to be followed by all local education agencies and stated that 'the Superintendent of Public Instruction has and accepts the constitutional responsibility to ensure that each student attending the public schools has an equal educational opportunity." To make sure that American Indian children had this opportunity, Brouillet recommended the following:

a. Involvement of Indian parents and communities in the development and evaluation of all programs affecting their children — including participation on school boards, education committees and other groups, as teachers, professional administrators, paraprofessional and other classified public school employees and students.

b. Administrative, field, and support services for all special Indian education programs in the public schools.

c. Development, dissemination and use of appropriate Indian heritage and cultural materials in the public schools.

d. Special training for teachers of Indian students.

e. In-depth identification of Indian students in the public schools.

f. Involvement of the state department of instruction in the development of national Indian education policy.

g. Career ladder training for Indian paraprofessionals.

Indian parents and communities are more involved in the decisions affecting the education of their children, however, few Indians are either teachers or school administrators. The Urban-Rural Racially-Disadvantaged (URRD) Program legislated by the state concentrates on retaining Indian children in a school atmosphere that is conducive to improving academic skills and their own individual knowledge of respective Indian cultures.

Related State Initiatives

In 1971 the Alaska State Board of Education adopted regulations that said that "every child of school age shall have the right to a secondary education in his or her community of residence." Standards were also promulgated that described the type of programs to be established and added that "no child of school age shall be required to live away from his or her usual home in order to obtain an education." In 1972, a suit on behalf of Native children (the Hootch case) charged that the state was not abiding by its own policies and regulations. The Superior Court decision found the "community of residence" language to be ambiguous, but did interpret it to mean that a child living within a state-operated school district only had a right to attend school somewhere in the unorganized borough — most of the rural part of the state. At that time, the State Board of Education repealed the regulations and stated that children had a right to an education in their "district of residence." In 1976, the state board of education also passed a bond issue designed to finance the construction and development of more community high schools in native villages in Alaska. Native people who had insisted that the state did not carry out its own policy statements and regulations could see some evidence that it would do so in the future, if for no other reasons than legal ones.

Another example of how a state department of education has moved to endorse policies that improve educational opportunities for Indian children occurred recently in the state of New Mexico. In 1978

the state legislature amended an original 1967 statute, 77-3-2 with 22-4-2: New school districts; creation, as recommended by the state board of education. It indicated that the state board of education could order the creation of a new school district within an existing school district upon receipt of and "according to a resolution requesting the creation of the new school district by the local school board of the existing school district," if the existing and new school districts would each have a minimum average daily membership of 500, if both districts had a high school program, and if creating the new school district was in the best interests of public education. On July 1, 1980, the Zuni Reservation school district with over 1800 students was created out of the old Gallup-McKinley school district at the request of the Zuni tribe and by the state board of education.

Other states have established advisory Indian education committees, and states like Oklahoma and Minnesota have held statewide meetings on the "State of Indian education". Moreover, Minnesota, Wisconsin and California have enacted legislation designed to improve the education of Indian children in their individual states.

Policy statements by state boards of education and state departments of education provide guidelines for local education agencies to follow in programs for Indian children. Evidence collected to date indicates that a number of states are adopting and implementing formal and informal policy statements and positions on Indian education.

Indian Education Legislation

In recent years, several states have passed important Indian education legislation. These enactments have been concerned with issues that affect the education of Indian children. They include curriculum, Indian involvement in education, teacher certification, higher education and affirmative action in particular. Previous legislation has been very limited and generally has been concerned with the establishment of state Indian advisory commissions and scholarships for Indian children at state colleges and universities, and other Indian-related concerns.

California

In 1974, Senate Bill #2264 (Chapter 1425), established 10 California Indian Education Centers that were designed to strengthen instructional programs for American Indian students enrolled in public schools. The intent of the legislation was also to improve the academic achievement of American Indian students, particularly in reading and mathematics, and the self-concepts of American Indian students and adults. The legislation was also aimed at providing

a. Increased employment for American Indian adults

b. A center for related community activities

c. Tutorial Assistance

d. Individual and group counseling to students and adults related to personal adjustment, academic progress and vocational planning

e. Programs in coordination with the public schools

f. A neutral location for parent-teacher conferences

g. Adult classes and activities

h. College-related training programs for potential American Indian teachers

i. Libraries and other educational materials on Indians.

A number of national task force recommendations — including that of the Indian Education Project at the Education Commission of the States — have opted for the establishment of similar technical assis-

tance Indian education centers as necessary for improved educational opportunities for Indian students. Evaluation reports of these centers indicate that improved academic achievement, improved self-concepts, expanded and successful tutorial assistance, ready sources of Indian materials, and coordinated programs with public schools have been some important successes for the California Indian education centers. The legislative act that established these centers is offered for other states to consider:

Senate Bill, No. 2264, introduced by Senator Moscone, April 25, 1974

Expresses legislative intent re education of Indian children and establishment of 10 California Indian education centers; provides that centers shall be designed to perform certain specified functions, provides that State Board of Education, upon advice and recommendations of the Superintendent of Public Instruction, shall adopt guidelines for the selection and administration of the centers, provides specific procedure for establishing such a center; requires Department of Education to annually evaluate the centers and report its findings to the Legislature. Appropriates $1,600,000 according to specified schedule for 1974-75 and 1975-76 fiscal years. To take effect immediately, urgency statute, Vote: ⅔, Appropriation: Yes. Fiscal Committee; yes. State Mandated local programs; no.

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 526) is added to Chapter 4.5 of Division 2 of the Education Code, to read:

526. The Legislature hereby finds and declares that Indian children have not succeeded well in California public schools as evidenced by low academic achievement at all grade levels, high dropout rates and by the few students continuing their education beyond high school.

It is the intent and purpose of the Legislature to strengthen the instructional program within the public schools by establishing 10 California Indian education centers.

527. The California Indian education centers established pursuant to this article shall serve as educational resource centers in Indian communities to the Indian students, parents, and the public schools. The centers shall be designed to:

a. Improve the academic achievement of Indian students with particular emphasis on reading and mathematics.

b. Improve the self-concept of Indian students and adults.

c. Increase the employment of Indian adults.

d. Serve as a center for related community activities.

e. Provide tutorial assistance to students in reading and mathematics.

f. Provide individual and group counseling to students and adults related to personal adjustment academic progress, and vocational planning.

g. Provide coordinated programs with the public schools.

h. Provide a neutral location for parent-teacher conferences.

i. Provide a focus for summer recreational sports and academic experience.

j. Provide adult classes and activities.

k. Provide college-related training programs for prospective Indian teachers.

l. Provide libraries and other related educational material.

528. The State Board of Education, upon the advice and recommendations of the Superintendent of Public Instruction, shall adopt guidelines for the selection and administration of the California Indian Education centers.

529. Application for the establishment of a California Indian education center may be made to the State Board of Education by any tribal group or incorporated Indian association, either separately or jointly, upon forms provided by the Department of Education. The State Board of Education shall select up to 10 applicants for such centers.

530. The Department of Education shall annually evaluate the California Indian education centers and report its findings and recommendations to the Legislature prior to February 1st of each year.

SEC. 2. There is hereby appropriated from the General Fund the sum of one million six hundred thousand (1,600,000) to the Department of Education for the California Indian education centers established pursuant to Article 2 (commencing with Section 526) of Chapter 4.5 of Division 2 of the Education Code, to be apportioned according to the following schedule:

(a) For the 1974-75 fiscal year ..... $ 400,000

(b) For the 1975-76 fiscal year $1,200,000

Funds appropriated but not expended shall be carried over to the next fiscal year. The sum appropriated shall be reduced by any amounts made available by the Federal government for the purposes of this act. Not more than seventy-five thousand dollars ($75,000) may be used by the Department of Education for the administration of the California Indian education centers.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public speech, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessary are:

In order to permit the establishment and operation of California Indian education centers in the 1974-75 school year, it is necessary that this act take effect immediately.

Minnesota

In 1977 the legislature for the state of Minnesota passed the "American Indian Language and Culture Education Act." It defined program objectives designed to increase educational opportunities and

interest in education for Indian children; teacher certification and employment; affirmative action; parent and community participation; state board of education duties; advisory task force duties; nondiscriminatory testing procedures, and funding procedures for various programs to be set up under the legislation. One of the major provisions of the Act was the implementation of a comprehensive pilot program effort designed to put in place various bilingual and bicultural programs across the state.

Since the Act was passed in 1977 various programs have been tested and have proven to be successful. Indian children in the state of Minnesota are benefiting from a very comprehensive piece of legislation.

Chapter 312-S.F. No. 455 — Passed in 1977
1977 Appropriation $600,000
1979 Appropriation $600,000

Section 1. [*126.45*] *American Indian Language and Culture Education Act; Citation.* Sections 1 to 11 of this act may be citied as the American Indian language and culture education act.

Sec. 2 [*126.46*] *Declaration of Policy.* The legislature finds that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of this act to provide for the establishment of American Indian language and culture education programs.

Sec. 3. [*126.47*] *Definitions.* Subdivision 1. For the purposes of sections 1 to 11 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "American Indian child" means any child, living on or off a reservation, who is an enrolled member of a federally recognized tribe.

Subd. 3. "Advisory task force" means the state advisory task force on American Indian language and culture education programs.

Subd. 4. "Participating school" means any nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture which is funded by and participates in the programs in sections 1 to 11 of this act.

Sec. 4 [*126.48*] *American Indian Language and Culture Education Programs.* Subdivision 1. *Program Described.* American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed;

(1) To make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils; and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history and culture; development of support components for staff, including inservice training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. *Voluntary Enrollment.* Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. *Enrollment of Other Children; Shared Time Enrollment.* To the extent it is economically feasible, a school district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian language and culture education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority shall be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian language and culture education programs.

Subd. 4. *Location of Programs.* American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. *Assignment of Students.* No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. *Nonverbal Courses and Extracurricular Activities.* In predominantly nonverbal subjects such as art, music and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 1 to 11 of this act.

Sec. 5. [126.49] *Teachers; Licenses; Exemptions.* Subdivision 1. *American Indian Language and Culture Education Licenses.* The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture;

(b) Possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district or a nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture.

Subd. 2. *Persons Holding General Teaching Licenses.* A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. *Employment of Teachers.* Teachers employed in an American Indian language and culture education program pursuant to sections 1 to 11 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. *Teacher Preparation Programs.* For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. *Persons Eligible for Employment; Exemptions.* Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian language and culture education program in which the American Indian language or culture in which he is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the securing of the teachers.

Subd. 6. *Persons Serving Under Exemptions: Licensure; Tenure.* An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of Minnesota Statutes, Section 125.12 and not more than two years shall be credited for the purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. *Compensation.* A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 8. *Affirmative Efforts in Hiring.* In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the American Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

Sec. 6. [*126.50*] *Teachers Aides; Community Coordinators.* In addition to employing American Indian language and culture education teachers each district or participating school providing programs pursuant to sections 1 to 11 of this act may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture education programs pursuant to sections 1 to 11 of this act shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication, understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian language and culture education program in order to convey information about the program.

Sec. 7. [*126.51*] *Parent and Community Participation.* Subdivision 1. School boards and participating schools shall provide for the maximum involvement of parents of children enrolled in American Indian language and culture education programs pursuant to sections 1 to 11 of this act. Accordingly, before implementing a program, each school district and participating school shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of the American Indian language and culture education program and the educational needs of the American Indian children residing within the district's or school's attendance boundaries. The district or participating school shall ensure that the program is planned, operated, and evaluated with the involvement of and in consultation with parents of children eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children eligible to be enrolled in American Indian language and culture programs; secondary students eligible to served; American Indian language and culture education teachers and aides; counselors; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and that the number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district or participating school shall be encouraged to participate and cooperate with the parent advisory committee

Subd. 4. If the organizational membership or the board of directors of a participating school consists solely of parents of children attending the school whose children are eligible to be enrolled in American Indian language and culture education programs, that membership or board may serve also as the parent advisory committee.

Sec. 8. [126.52] State Board of Education Duties. Subdivision 1. *Needs Assessment.* The state board of education shall conduct a statewide assessment of the need for American Indian language and culture education programs which shall include information on:

(a) Numbers, ages, locations by school district and tribal affiliation of American Indian children;

(b) Concentration of American Indian children in attendance areas within school districts by tribal affiliation;

(c) Placement rates of American Indian children in classes for handicapped pupils in comparison with schoolwide and districtwide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of American Indian children in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for American Indian language and culture education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.

Subd. 2. *Resource Evaluation.* The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of American Indian children, including information on:

(a) Numbers, location, and qualifications of teachers, aides, administrators, counselors, and potential post secondary education graduates from American Indian backgrounds who have an interest in working in American Indian language and culture education programs;

(b) Programs within the state designed for the preparation of American Indian language and culture education teachers;

(c) The effectiveness of existing programs for American Indian children within the state;

(d) Successful and innovative preservice and inservice programs for staffs of American Indian language and culture education progarms; and

(e) Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying American Indian children.

Subd. 3. *Program Models.* The state board shall gather information about the theory and practice of American Indian language and culture education and design program models appropriate for meeting the need for American Indian language and culture education in conjunction with the basic educational program in the state.

Subd. 4. *Evaluation of Pilot Programs.* The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 11 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonsectarian nonpublic, community, tribal, or alternative schools, provided that that school consents to the evaluation of its existing program. The evaluation shall include assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs.

Subd. 5. *Community Involvement.* The state board shall provide for the

maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education in the formulation of policy and procedures relating to the administration of sections 1 to 11 of this act. The needs assessments and resource evaluations provided for in subdivisions 1 and 2 of this section shall be undertaken on Indian reservations only in connection with or with the permission of the respective tribal governments.

Subd. 6. *Consultation.* The state board shall consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 11 of this act.

Subd. 7. *Teacher Licensure.* The state board shall provide to the board of teaching a report on its research and experience in American Indian language and culture education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in section 125.185, subdivision 4.

Subd. 8. *Technical Assistance.* The state board shall provide technical assistance to school districts, participating schools and post secondary institutions for preservice and inservice training for American Indian language and culture education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian language and culture education programs.

Subd. 9. *Application for Funds.* The state board shall apply for grants or funds which are or may become, available under federal programs for American Indian language and culture education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. *Report.* The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, and recommendations for legislation in the area of American Indian language and culture education.

Subd. 11. *Rules and Regulations.* The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 11 of this act.

Sec. 9. [126.53] Advisory Task Force on American Indian Language and Culture Education Programs. Subdivision 1. *Establishment.* The state board of education shall appoint an advisory task force on American Indian language and culture education programs. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs persons involved in programs for American Indian children in nonsectarian nonpublic community, tribal, or alternative schools, and persons knowledgeable in the field of American Indian lan-

guage and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. *Duties.* The advisory task force on American Indian language and culture education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for pilot programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 1 to 11 of this act.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 10. [*126.54*] *Pilot Programs.* Subdivision 1. *Grants; Procedures.* For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants and no grant shall be made for a proposal not complying with the requirements of sections 1 to 11 of this act. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. *Plans.* Each school district or participating school submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 1 to 11 of this act;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 1 to 11 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 1 to 11 of this act.

Subd. 3. *Additional Requirements.* Each school district receiving a grant under this section shall each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian langauge and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. *Nondiscrimination: Testing.* In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of American Indian children shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. *Records.* Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 1 to 11 of this act. Each school district or participating school shall keep an accurate, detailed, and separate account of all money received and paid out by it for pilot American Indian language and culture education programs funded under this section.

Subd. 6. *Funds From Other Sources.* A school district or participating school providing American Indian language and culture education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. Nothing in sections 1 to 11 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 1 to 11 of this act if the proposal and plan for that program is not funded pursuant to this section.

Sec. 11. [126.55] Other Statutes. Nothing in the provisions of sections 1 to 11 of this act shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 11 of this act shall be deemed to be positive action programs to combat discrimination.

Sec. 12. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

Subd. 7. The school census shall include an enumeration of American Indian children resident within the district. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about American Indian children residing in the school district.

Wisconsin

In 1979, the Legislature for the state of Wisconsin passed a bill somewhat similar to that of Minnesota. The Wisconsin Act established an "American Indian Language and Culture Education Board," provided for state aid to schools that elected to offer an American Indian Language and Culture Education Program, called for parent advisory committees, mandated a yearly statewide assessment of the need for Indian education programs, and defined how the program would work with and support alternative Indian schools.

Other states have passed statutes that deal with a number of con-

cerns and issues on Indian education. These statutes are described in the chapter called "State-by-State Narratives."

State-by-State Narratives

To give a more comprehensive picture of existing Indian Education laws, the following brief narratives are presented about the 50 states. They are taken from a survey of 50 state legislative bureaus and state departments of education:

ALABAMA — Alabama has passed no Indian or Indian-related legislation. It has passed no appropriations or resolutions for Indian education.

ALASKA — Alaska has an Alaska Native Scholarship Program; an Alaska Native Language Center devoted to language presentation at the University of Alaska. It also focuses in on Native children; regional resource service (technical assistance) centers; appropriations for bilingual-bicultural programs, regional resource centers, tuition reimbursement for nonresident students.

ARIZONA — This state has passed legislation enabling local education agencies to contract with the BIA to educate Indian children. It has also established an Indian Affairs Commission to deal with Indian concerns, also a bilingual program that might be used for Indian children. Arizona in 1979 passed a resolution calling on Congress to provide funds for capital improvements of public schools on Indian reservations.

ARKANSAS — Arkansas has passed no Indian or Indian-related legislation. It has passed no appropriations bills or resolutions concerned with Indian education.

CALIFORNIA — This state has created a "bureau of Indian education" to deal with Indian concerns; comprehensive Indian education programs and Indian education technical assistance centers; school reimbursement plans for the education of Indian children. California has also passed a bilingual education act that includes Indian children and various statutes that call for an accurate portrayal of Indian people in instructional materials and instruction. It has an advisory commission on special education that works with Indian concerns; an equal educational opportunities commission that regularly recommends to the state board of education programs to meet the needs of Indian children. The legislature provides extensive fund-

	ing for the pilot Indian education programs provided since 1976. The resource centers have been funded since 1976; bilingual education since 1977.
COLORADO	Colorado has created tuition-free scholarships for qualified Indian students at Ft. Lewis College. This state also has a comprehensive bilingual and bicultural education program — two programs serve Indian students; one is English/Ute, and the second is English/Navajo/Spanish-oriented. A Commission on Indian Affairs investigates Indian needs and provides technical assistance to tribes.
CONNECTICUT	This state has established an Indian Affairs Council to watch over Indian concerns — including education. It has a bilingual program where 20 or more eligible children are present in a school system.
DELAWARE	Delaware has passed no Indian or Indian-related legislation. It has passed no appropriation bills or resolutions concerned with Indian education.
FLORIDA	Florida has scholarships for Seminole/Miccosukee Indian college students — $600 to $2,000 per student each year.
GEORGIA	This state has a Commission of Indian Affairs designed to foster and preserve Indian culture and heritage throughout the state.
HAWAII	Hawaii has passed no Indian or Indian-related legislation. It has passed no appropriation bills or resolutions concerned with Indian education.
IDAHO	Idaho has a "transitional" language program; recently appropriated $310,000 for Indian education purposes.
ILLINOIS	This state has an annual "Indian Day," on which appropriate school exercises commemorate Indian people. Illinois also has a "transitional" bilingual program; emphasizes the need for all social studies texts to include Indian people. It has also recently appropriated $8,000 for Indian education; in 1977; through a joint House/Senate resolution established an advisory council on Indian council — serves as a program liaison with the Indian community; makes legislative recommendations; increases state awareness of Indian needs and concerns.

INDIANA	Indiana has a bilingual-bicultural program for non-English dominant students having difficulties with classroom instruction conducted solely in English.
IOWA	1979 legislation required a "multicultural" approach to education for all ethnic groups. Iowa also has a "non-English speaking student program. In 1976 the legislature appropriated funds to hire an Indian education consultant.
KANSAS	In 1979 the legislature created and financed a bilingual program for "educationally deprived" students.
KENTUCKY	Kentucky has passed no Indian or Indian-related legislation. It has passed no appropriation bills or resolutions concerned with Indian education.
LOUISIANA	In 1979 the state legislature appropriated $60,000 for Indian scholarships — for students with 1/8 blood quantum or better. A governor's commission on Indian Affairs was created by executive order in 1972; by legislative action in 1978.
MAINE	Maine has scholarships for Indian students with one-fourth or more Indian blood quantum; it also authorizes tribal committees to provide educational and cultural services for its residents. The state also has a bilingual instruction program for limited English-speaking students. In 1979-80, the legislature appropriated funds for Indian scholarships, alternative Indian schools, and general purpose aid for Indian schools.
MARYLAND	This state has passed no Indian or Indian-related legislation. It has passed no appropriation bills or resolutions concerned with Indian education.
MASSACHUSETTS	Massachusetts created 30 full tuition scholarships in 1980 for American Indian students. The state also has a transitional bilingual education program, and a state Commission on Indian Affairs that investigates the needs of Indian people and makes legislative recommendations.
MICHIGAN	In 1978 Michigan passed a law allowing tuition forgiveness for part-time, summer school and full-time students who are one-fourth degree Indian or better. The state has a bilingual education act and a Commission on Indian Affairs that investigates Indian problems.
MINNESOTA	Minnesota has a comprehensive American Indian Language and Culture Education Act passed in 1977 — establishing pilot programs in Indian

education; parent and community input into the educational process; an advisory task force; a school census; school board of education duties; teacher certification changes; assessment of program mechanism. It also has a state-wide scholarship program for Minnesota residents who are one-fourth or more Indian ancestry, and Indian students are admitted tuition-free to the University of Minnesota — Morris branch. $650,000 was appropriated for scholarships for each fiscal year 1980-81. Minnesota has a bilingual education "transitional" program, and a funded counseling-tutoring program in colleges and universities — with most of the dollars earmarked for Indian students; $700,000 for fiscal year 1979.

MISSISSIPPI

There is no Indian or Indian-related legislation in this state. No appropriation bills or resolutions have been passed that favor Indian people.

MISSOURI

Missouri has passed no Indian or Indian-related legislation. It has also passed no appropriation bills or resolutions concerned with Indian education.

MONTANA

Article X of the state constitution recognizes the distinct and unique cultural heritage of the American Indian and commits the state to preserving this cultural heritage. The School Code 75-6130 to 75-6132 defines American Indian studies; teacher qualifications to teach Indian students; permissive American Indian studies program for teachers. Montana also has an agreement with tribes on student attendance; Indian students are eligible for the state school for the deaf and blind; Indian students with one-fourth Indian blood or better and who are state residents pay no university tuition fees. There is also an office of Indian Affairs. Montana also has a Master Plan designed to enrich teachers' background on Indian culture, mandated by a legislative resolution in 1974. Other resolutions have encouraged public schools to include Indian studies in their curricula; teacher training institutions to provide programs specifically designed to prepare teachers to teach Indian children. Still other resolutions urge elective officals and others with appointive authority to increase Indian membership on Boards and Commissions affecting them; the fourth Friday in September is designated as "Native American Day."

NEBRASKA

On March 21, 1980 the legislature called for a study of Federal Aid to "Indian" public schools in the state.

NEVADA	In 1979, the legislature directed the state superintendent of public instruction to assume full responsibility for establishing programs and curricula to meet the special educational needs of American Indians.
NEW HAMPSHIRE	This state has a bilingual education program — permitted when the state board of education and a local education agency approve it to be offered.
NEW JERSEY	New Jersey has a bilingual program for children whose primary language is other than English, and for students who have difficulty performing ordinary class work in English.
NEW MEXICO	In 1976, a division for Indian education was created to oversee and coordinate statewide Indian education programs. New Mexico also has a Commission of Indian Affairs that investigates and researches the needs of Indian people. The state also has a bilingual multicultural program designed to insure equal education opportunities for all students; legislation aimed at preserving and developing Indian arts and crafts; acts aimed at the preservation of Indian legends; an Indian resources development statute aimed at Indian self-sufficiency — with Indian resource development institutes held at colleges and universities. Annual appropriations are made for the Office of Indian Education — $60 000, 1980-81; annual funding for the Commission on Indian affairs; for [illegible]ce development; for bilingual education.
NEW YORK	Statutes created in 1947 and amended in 1954 discuss the duties of the Commissioner of Education for Indian children; rights of Indians; attendance requirements; contracting between school districts and Indian tribes for the education of Indian children. Teacher education scholarships are offered at selected teacher education training institutions. In 1973, a legislative resolution empowered the governor to set aside an annual day for schools to emphasize Indian lore.
NORTH DAKOTA	North Dakota legislation empowers the superintendent of public instruction to contract for services to develop an Indian education curriculum for elementary and secondary schools. The state also provides Indian student scholarships for those with one-fourth blood quantum or better. Legislative appropriations have recently set $1,000 per semester as the scholarship payment per student. A recent legislative resolution in 1977 urged the adoption of an Indian studies requirement for teacher certification by the teachers' professional practices commission.

OHIO	A recent Act specifies that history courses in public schools must include a balanced presentation of the contributions of all minorities — including American Indians.
OKLAHOMA	1979 legislation permits the state board of education to submit budget requests for a separate Indian education department within the state department of education. Other legislation requires an annual Indian education report; an upper limit of 17 full-time employees for the Indian education division. In 1977, $50,000 was appropriated for the development of reading materials for Indian students.
OREGON	Oregon has a Commission on Indian Services, established to improve employment, education and other areas for Indian people. Legislation provides that local education agencies be required to provide certified teachers for non-English-speaking children. In 1977 a house resolution also directed the state department of education to apply for, receive, and dispense and use JOM funds to educate Indian children. $124,880 was appropriated in 1976 for the Commission on Indian Services.
PENNSYLVANIA	A 1973 Act provided that each child whose dominant language was not English was to be provided with either a bilingual-bicultural program, or English as a second language. Other legislation provides "that the teaching of subjects in a language other than English is permitted as part of a sequence in foreign language study, or as part of a bilingual education program, if the teaching personnel are properly certified in the subject fields."
RHODE ISLAND	Rhode Island provides bilingual education programs for limited-speaking English children.
SOUTH CAROLINA	There is no Indian or Indian-related legislation in this state. No appropriation bills or resolutions have been passed in favor of Indian people.
SOUTH DAKOTA	In 1949 the state board of education was authorized to accept Bureau of Indian Affairs funds. The legislature also has a scholarship program for persons of at least one-fourth Indian blood; recently, the legislature recognized the Center for Indian Studies — a division of Black Hills State College. In 1975, the legislature passed legislation providing tuition for children under the care and responsibility of agencies — including the Bureau of Indian Affairs. In 1960, moreover, the state Commission of Indian Affairs was established to help Indians in areas including education. $51,000 has been appropriated for fiscal

year 1980 scholarships; $23,830 has been appropriated for South Dakota history courses — six of first eight — to be shown on educational television; $38,753 was appropriated recently for two staff people of the department of education to assist local education agencies with curriculum development.

TENNESSEE	There is no Indian or Indian-related legislation in this state. No appropriation bills or resolutions have been passed for Indian people.
TEXAS	Texas has a Commission on Indian Affairs to assist Indians with education, technical and agricultural needs. It also has a limited scholarship program for Indian students, and a bilingual program for non-English speaking children.
UTAH	In 1953 the state board of education was authorized to enter into contracts with the Bureau of Indian Affairs for the welfare and association of Indians in public schools. In 1965 the state board of education was authorized to apply for, receive, administer and distribute federal funds to school districts. 1980 legislation defines as resident students, American Indians who are on tribal rolls or who are members of federally-recognized or known tribes. A 1959 statute authorized a study of possible junior college for Indian students at Roosevelt, Utah. Utah also has a Board of Indian Affairs that works with the needs and concerns of Indian people in the state.
VERMONT	There is no Indian or Indian-related legislation in this state. No appropriation bills or resolutions have been passed for Indian people.
VIRGINIA	Virginia has no Indian or Indian-related legislation. No appropriation bills or resolutions have been passed for Indian people.
WASHINGTON	The Urban, Rural Racially-Disadvantaged Education Program serves all urban and rural minorities — emphasis of Indian program is to retain Indian children in a school environment conducive to improving their academic skills, and their knowledge of and pride in their Indian culture. Indian children are also served by a bilingual education program — $4,500,000 recently appropriated for it; by a remediation assistance program; by the URRD program for which $1,500,000 was appropriated for fiscal year 1979-80.
WEST VIRGINIA	West Virginia has a multicultural education program as a result of 1980 legislation — designed to serve all minorities.

WISCONSIN	The 1979 legislature passed a comprehensive "American Indian Language and Culture Education Act" — designed to recognize the special cultural and language needs of American Indian pupils and their unique historical status. It created an advisory board; established various voluntary programs and parent advisory committees; provided for an annual assessment of needs and evaluation of resources; aid to Indian alternative schools. Wisconsin also has a financial assistance program — for fiscal year 1980, each student will receive $1800. The bilingual education program serves all minorities; HB 807, 1979, authorizes partial reimbursement to schools who have Indian education programs; Wisconsin also has an advisory council on Indian education.
WYOMING	In 1978, Wyoming passed a statute calling for certification of teachers in the Arapahoe and Shoshoni Indian languages.

Summary

Sixteen states have either commissions, bureaus or advisory councils on Indian affairs assigned to working with the needs and concerns of Indians over a wide spectrum. Seventeen states have bureaus or divisions of Indian education within their state departments of education.

Twelve states provide scholarship and tuition assistance for Indian students. All of these states stipulate that an Indian student must be a resident of the state, and most of them require that the student have at least one-fourth blood quantum to qualify for scholarship/tuition assistance. Louisiana is an exception, requiring one-eighth or better to qualify for assistance.

Only 13 states do not have any Indian education legislation or Indian-related statutes on the books. A number of states include Indian students in bilingual, however, most of the legislation concerns curriculum, testing, bilingual and bicultural programming and scholarships for college students. In some instances, Indian students are included in bilingual programs but not specifically provided for in other instructional areas in the public schools.

Often states fund advisory councils on Indian education, commissions on Indian affairs and other similar offices, but do not provide dollars for Indian education programs. Occasionally states have passed resolutions that call for Indian education programs and appropriations — as in Montana and South Dakota — but most states have not done so. Too, a number of states have funded limited scholarship programs for Indian students, but only a very few states —

including Minnesota, California, Wisconsin and others — have funded comprehensive bicultural and bilingual Indian education programs.

Legislative Considerations

Legislation

Two states that have significant Indian populations — Minnesota and Wisconsin — have passed and implemented comprehensive Indian education legislation. A number of other states with large numbers of Indian children have not done more than establish an advisory council or commission on Indian affairs and education.

Local education agencies need and require assistance from state agencies — like the state board of education, the state department of education and from the legislature to implement Indian education programs that will improve educational opportunities for Indian children. Local education agencies require program guidance and materials to provide the bicultural and bilingual programs that will serve Indian children.

It is not always possible for a state to legislate Indian education programs into existence. Too, it is not always easy for states to fund Indian education programs at the state level. Nevertheless, such programs are needed and can be implemented on a gradual basis if it is not possible on a full-scale basis. A number of states with Indian populations — large and small — have implemented minimal programs in bicultural and bilingual areas; and, in appropriations for Indian student scholarships to state colleges and universities.

Recommendations

Recommendations for activity in Indian education — including those of the task force for the Indian Education Project at the Education Commission of the States — can be carried out on a gradual basis as finances and practical rationale permits a state to do so. Recommendations by the task force that states can consider for possible legislative action are as follows.

It is recommended that *state legislatures:*

- examine the shortage of Indian Teachers and administrators and create special programs to solve the problems.
- insure that schools educating Indian students have adequate financial resources for the basic education program.
- examine school district election procedures and boundaries that hinder Indian people from being elected to school boards.
- examine the shortage of Indian teachers and administrators and create special programs to solve the problems.
- consider state financial support for alternative Indian education

- programs and tribally controlled community colleges.
- work with state education agencies to establish regional technical assistance centers for Indian education within the state utilizing state funds.
- insure that gifted and talented Indian children are identified and served.
- provide state appropriations for bilingual and bicultural programs that Indian children need.

It is recommended that *governors:*

- appoint Indian to state boards of education, boards of regents for high education and to other educational boards.
- use the prestige of their offices to support legislation and appropriations for Indian education.
- be reminded that the ECS Indian Education Project Task Force recommendations to state education agencies are ultimately the responsibility of the governors' office for implementation.
- be encouraged to hire Indian staff persons.

It is recommended that *state board and education agencies:*

- review and analyze present educational policies, laws and other actions that impact upon Indian education. They need then to develop written, formalized Indian education policy statements that are based upon adopted tribal policies and philosophies.
- place Indian culture courses in the curriculum for all students.
- examine Indian representation on school boards and how it is affected by membership selection methods.
- develop and implement administrative rules and standards for the implementation of legislative action on Indian education, in consultation with tribes and Indian parents.
- hold statewide public hearings on Indian education.
- recognize and consider the need to establish and maintain a standardized, centralized data base on Indian education.
- establish regional technical assistance centers within the state for Indian education, with state funds appropriated by the legislature.
- recognize the negative impact of school consolidation — rural and urban — upon Indian students.
- promote and improve communication channels with tribes and Indian parents.
- modify tenure laws — lengthen time required to attain teacher tenure.
- make concentrated efforts to help school districts with the design, implementation, and coordination of programs that will serve the gifted and talented Indian child.
  work with school districts to establish bilingual and bicultural education programs for Indian children, funded by state appropriations.
- insure that handicapped Indian children are identified and included in all special and regular programs.
- help local education agencies develop and encourage vocational educational programs for both Indian adults and younger school dropouts.
- work with local education agencies to monitor LEA affirmative action plans, to insure that "indian preference" is exercised where very significant Indian populations reside.
- place Indians in educational policy making positions.

- establish a state-funded Indian education office.
- promote Indian-operated alternative schools where appropriate.

It is recommended that *local education agencies:*

- recognize and reflect the unique cultural and academic needs of Indian children, and develop specialized programs to meet those needs.
- promote Indian parents' involvement in the policy making operation of the local school district.
- promote and foster improved communication with Indian parents and tribes.
- where appropriate, recommend and encourage the establishment of alternative Indian schools.
- learn and understand the unique federal-Indian relationship.
- not only recognize the needs of the Indian community for after-school use of school buildings, but encourage tribal communities to use school facilities.
- implement affirmative actions that effectively include Indian teacher and school administrator recruitment and that emphasize "Indian hiring preference" where appropriate.
- require educational needs assessments designed in consultation with tribes, when natural resource development results in "boomtown" effects.

It is recommended that *colleges and universities:*

- recruit and prepare Indians in all areas of education — especially as classroom teachers, administrators and counselors.
- develop and improve teacher training programs that prepare teachers to meet the special and unique educational needs of Indian students.
- accept the existence and legitimacy of tribally controlled community colleges.
- accept transfer credits from tribally controlled community colleges.
- expand off-campus degree programs to Indian reservations.
- promote research on Indian education, principally by Indian researchers.

It is recommended that the *federal government:*

- reaffirm its commitment to Indian education.
- immediately begin a program to subsidize a long-range effort designed to train American Indian administrators, teachers and counselors.
- increase P.L. 815 funds for public high school constructon on reservation lands and in areas of Indian density.
- simplify its regulations for Indian Education Act funding.
- keep "B" students' funding in P.L. 874.
- reimplement the use of public service employment money for public school construction on reservations.
- reauthorize Title IV, the Indian Education Act of 1972, beyond 1983.
- create a National Center for Indian Education.
- assess the capabilities of state education agencies to provide technical and administrative assistance for federal programs in Indian education.
- modify civil service laws to seek and retain qualified American Indian personnel.

- ◇ increase federal scholarship and fellowship money for Indian students.
- ◇ effectively monitor and enforce affirmative action plans in SEA's and LEA's.
- ◇ provide funds to encourage an increase in the number of tribal education facilities constructed on tribal lands.

States should consider looking at the areas of major concern and interest to Indian parents and communities and implement legislation that addresses these interests. Where it is possible when an individual state has not implemented any legislation aimed at improved educational opportunities for Indian students, a comprehensive and in-depth legislative act is appropriate. There is a strong tendency in many local school districts to view new laws on education as a threat to local control of the educational process. Therefore, it is necessary that any legislation at the state level be designed to provide and encourage support for Indian education activities at the local level, but not interfere with the local prerogative over educational decision making.

Within the past five years a small number of states have implemented most of the Indian education legislation in existence. To improve educational opportunities for Indian children, it is necessary that more states, in consultation with Indian tribes, create and implement unique Indian education programs for Indian citizens.

Indian Education reports available from the ECS Publications Department:

Report No. 135
Indian Education: Involvement of Federal, State and Tribal Governments

Report No. 136
Indian Education: Problems in Need of Resolution

Report No. 137
Indian Education: Selected Programs and Practices

Report No. 138
Indian Education: Policy Recommendations

Report No. 139
Indian Education: An Overview of State Laws and Policies

Report No. 140
Indian Education: Final Project Report

Additional copies of these reports may be obtained from the Publications Department, Education Commission of the States, Suite 300, 1860 Lincoln St., Denver, Colorado 80295. Please enclose $3 for the first report ordered. For each subsequent copy of any report listed above, please add 30¢. This price covers postage and handling. Prepayment required.